

CrL.M.P.(MD) No.9092 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2026

CORAM

**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**CRL.MP(MD) No.9092 of 2026
in
Crl.A(MD)No.501 of 2026**

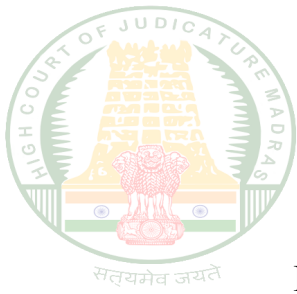
Chinnathambi @ Lamba : Petitioner/Appellant/A1

Vs.

State of Tamil Nadu through
The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.

(In Crime No.355 of 2022) : Respondent/Respondent/Complainant

PRAYER: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed on the petitioner/appellant/A1 in SC No.226 of 2022, dated 09/09/2025 on the file of the II Additional District and Sessions Judge, Thoothukudi, dated 09/09/2025 and to enlarge him on bail till the disposal of the appeal.



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For Petitioner

: Dr.R.Alagumani

For Respondent

: Mr.C.Christopher
Counsel for State of Tamil Nadu (Crl. side)

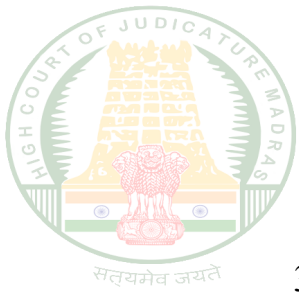
ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner/A1 in SC No.226 of 2022, dated 09/09/2025 passed by the II Additional District and Sessions Judge, Thoothukudi and enlarge him on bail pending disposal of the Criminal Appeal.

2.The petitioner/A1 stands convicted and sentenced as under:-

Section of Law	Sentence of imprisonment	Fine amount
294(b)IPC	3 months SI	-
302 IPC	Life Imprisonment	Rs.5,000/-, in default to undergo 6 months SI.

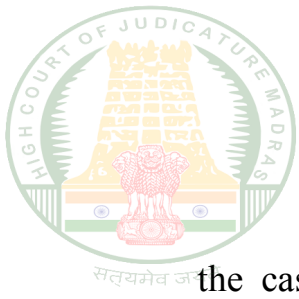


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3.The case of the prosecution is that A1 had developed previous animosity with the family members of PW1 in connection with a matrimonial dispute between the grand-daughter of the deceased and the brother of A1. On 17/06/2022 at about 10.00 p.m., when the deceased was proceeding near the house of one Perumal, the accused persons (A1 and A2 and the child in conflict with law) allegedly attacked the deceased repeatedly with deadly weapons and inflicted stab injuries, resulting in his death.

4.Based on the complaint lodged by PW1, the wife of the deceased, the respondent police registered a case in Crime No.355 of 2022 for the offences punishable under Sections 294(b) and 302 IPC. During the course of investigation, an alteration report was filed and the offences were altered to Sections 294(b), 302 read with Section 34, 114 IPC. After completion of the investigation, the respondent police filed the final report before the Judicial Magistrate No.III, Thoothukudi, in P.R.C No.82 of 2022 for the offences punishable under Sections 294(b) and 302 read with Section 34, 114 IPC. After the appearance of the accused, copies of the documents were furnished to them under Section 207 Cr.P.C. Thereafter,



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the case was committed to the Court of the II Additional District and Sessions Judge, Thoothukudi, and the same was taken on file in S.C No. 226 of 2022.

5.On the side of the prosecution, PW1 to PW24 were examined, Exs.P1 to P36 were marked, and M.O.1 to M.O.8 were produced. When the accused were questioned under Section 313 Cr.P.C., they denied the incriminating circumstances appearing against them. On the side of the defence, no oral evidence was adduced, however, three documents were marked as Exs.D1 to D3.

6.Upon hearing the submissions made on either side, the trial Court convicted the petitioner/A1 for the offences punishable under Sections 294(b) and 302 IPC as stated above. Challenging the said conviction and sentence, the present criminal appeal has been filed.

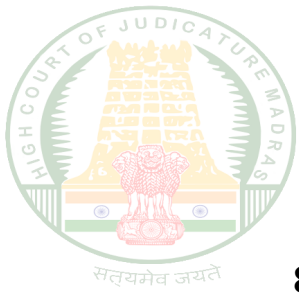
7.The learned counsel appearing for the petitioner/A1 would submit that PW1 to PW3 are the eyewitnesses relied upon by the prosecution. PW1 is the wife, PW2 is the daughter-in-law, and PW3 is the son of the



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deceased. According to the learned counsel, their presence at the place of occurrence at the relevant point of time is highly doubtful. Though they are stated to have witnessed the occurrence, they did not accompany the deceased to the hospital. On the other hand, PW17 has deposed that he received information about the occurrence at about 11.15 p.m. and immediately rushed to the place of occurrence. He would further submit that the occurrence is alleged to have taken place at about 10.00 p.m., on 17/06/2022, whereas the complaint was lodged only at about 12.30 a.m. On 18/06/2022 and the FIR reached the jurisdictional Court only at about 4.45 p.m on 18/06/2022. In view of the delay in lodging the complaint and forwarding the FIR to the Court, the presence of PW1 to PW3 at the place of occurrence is highly doubtful. The learned counsel would further submit that this Court, in CrI.M.P.(MD) No.4116 of 2026, dated 30/03/2026 has granted suspension of sentence to A2, against whom the overt act attributed is similar to that of A1. Therefore, there are several arguable points involved in the appeal, and hence, he prays for allowing this petition.

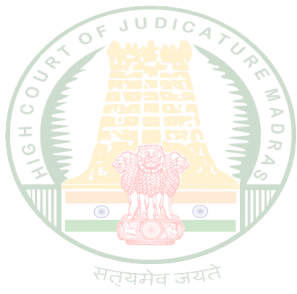


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8.The respondent has filed a detailed counter. The learned Counsel appearing for the respondent/State would submit that the trial Court, upon proper appreciation of the cogent and consistent evidence adduced by PW1 to PW3, came to the conclusion that it was the accused persons who had attacked the deceased and caused his death. He would further submit that one of the accused was tried separately before the Juvenile Justice Board, as he was a child in conflict with law, and only the petitioner/A1 and A2 faced trial before the Sessions Court. Therefore, the trial Court has rightly convicted the petitioner based on the evidence available on record, and hence, he prays for dismissal of this petition.

9.Considering the period of incarceration suffered by the petitioner and also considering the fact that that there are several arguable points and that the likelihood of the appeal being taken up for final hearing in the near future is also not probable, we are of the opinion that this is a fit case for the grant of suspension of sentence to the petitioner. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:



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i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, Thoothukudi.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. **The petitioner shall stay at Nagapattinam and and sign before the Nagapattinam Town Police Station daily at 10.00 am until further orders.**

[A.D.J.C., J.] [R.P., J.]
27.07.2026

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Copy to

- 1.The II Additional District and Sessions Judge,
Thoothukudi.
- 2.The Inspector of Police
Thoothukudi North Police Station,
Thoothukudi District.
- 3.The Superintendent
Central Prison, Palayamkottai.



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